

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|---------------------|---|-----------------------|
| NOBLE BLACKERBY, | : | |
| Plaintiff, | : | CIVIL ACTION NOS. |
| | : | 1:07-CV-2388-RWS |
| v. | : | 1:07-CV-2551-RWS |
| | : | 1:07-CV-2650-RWS |
| Various Defendants. | : | |
| | : | PRISONER CIVIL RIGHTS |
| | : | 42 U.S.C. § 1983 |
| | : | |

ORDER

Plaintiff, an inmate at Dodge State Prison in Chester, Georgia, has filed the three, above-styled actions without paying the filing fee, other fees or security therefor. According to 28 U.S.C. § 1915(g), a prisoner is prohibited from bringing a civil action in federal court in forma pauperis “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

The records of the Clerk of the Court indicate that Plaintiff has filed at least ten civil actions in federal courts in Georgia while incarcerated, at least three of which have been dismissed prior to service of process as frivolous pursuant to 28 U.S.C. § 1915. See Blackerby v. Donald, Case No. 4:04-CV-00231-HLM (N.D. Ga., Order

of June 23, 2005); Blackerby v. O'Donnell, Case No. 4:07-CV-0116-HLM (N.D. Ga., Order of July 31, 2007); Blackerby v. Purdue, 1:07-CV-1728-RWS (N.D. Ga., Order of October 02, 2007). Additionally, this Court finds that none of Plaintiff's numerous assertions in his complaints qualify as a claim of imminent danger of serious physical injury.

According to the Eleventh Circuit, "the proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g). The prisoner . . . must pay the filing fee at the time he initiates the suit." Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

IT IS THEREFORE ORDERED that the three above-styled actions are hereby
DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 31st day of October, 2007.


RICHARD W. STORY
UNITED STATES DISTRICT JUDGE